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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:20-cr-00392-MO

v.

**GOVERNMENT’S SENTENCING
MEMORANDUM**

DAKOTA KURTIS MEANS,

Defendant.

*Sentencing Hearing:
January 25, 2021 at 10:00 a.m.*

INTRODUCTION

While on supervision, defendant threatened a government employee who was heading to work at the Mark O. Hatfield United States Courthouse. By plea agreement, the parties jointly recommend that the Court impose a 30-day sentence.

FACTUAL BACKGROUND

A. The Offense Conduct

In the early morning hours of August 24, 2020, following ongoing nightly protests in downtown Portland, Oregon, defendant was congregating near a group close to the Mark O. Hatfield United States Courthouse (USCH). A government contractor, Adult Victim 1 (AV1), was on his way to work at the USCH and had to walk by the group that defendant was standing with. As AV1 passed the group and headed towards the USCH, defendant started following

AV1 with a black paintball gun and shouting obscenities at him. As AV1 was crossing the street to the USCH and entering federal property, defendant followed behind AV1 and stated that it was a paintball gun now, but it is “going to be an AR,” leading AV1 to believe defendant was referring to an assault rifle. Concerned for his safety, AV1 quickened his pace as he continued to check behind him. Once he entered the USCH, AV1 immediately reported what had occurred to the Deputy U.S. Marshals (DUSM).

B. The Charge

On August 24, 2020 defendant made his initial appearance. (ECF No. 4). On October 28, 2020 defendant pleaded guilty to a single count Information charging Assault on a Federal Officer. (ECF No. 18).

C. The Plea Agreement & Guideline Computations

Defendant agreed to plead guilty to one count of Assault on a Federal Officer. The government will, subject to the limitations set forth in the agreement, recommend that defendant receive a two-level reduction for acceptance of responsibility. Based on the brief nature of the investigation the government will also agree to a downward variance under 18 U.S.C. § 3553(a) to achieve a reasonable resolution of this case.

The government agrees with the following PSR computations:

Base Offense Level (USSG § 2A2.4):	10
Adjustments	
Acceptance of Responsibility (USSG § 3E1.1):	<u>-2</u>
Total Offense Level:	8

The government agrees with Probation’s computation of 5 criminal history points, putting defendant in Criminal History Category III.

DISCUSSION

In accordance with the plea agreement, the parties recommend a below-guideline sentence of 30 days imprisonment, which defendant has already served. Defendant's early acceptance of responsibility for his criminal conduct is a mitigating factor that informs what sentence is necessary to promote respect for the law and deterrence from committing future crimes. 18 U.S.C. § 3553(a)(2)(A), (B).

The parties' recommendation reflects the seriousness of the offense and takes into account the need to provide just punishment and afford adequate deterrence to criminal conduct while satisfying the requirement of 18 U.S.C. § 3553(a) as a "sentence sufficient, but not greater than necessary" to meet the purposes of § 3553(a)(2).

CONCLUSION

Based on the foregoing, the parties' jointly recommend that this Court impose a sentence of 30 days, followed by a one-year term of supervised release, subject to the standard conditions, plus the special conditions recommended by the Probation Office, and a \$100 fee assessment.

Dated: January 20, 2021.

Respectfully submitted,

BILLY J. WILLIAMS, OSB #901366
United States Attorney

/s/ Ashley R. Cadotte
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Assistant United States Attorney